

By the Committee on Governmental Oversight and Productivity;
and Senator Silver

302-2215-00

1 A bill to be entitled
2 An act relating to port area improvement;
3 creating the "Community Improvement Authority
4 Act"; providing legislative findings and
5 intent; defining terms; providing for the
6 creation of community improvement authorities
7 in eligible counties; providing for the
8 management of authorities; providing for the
9 powers of an authority; authorizing the use of
10 bonds to fund projects; providing for a tax
11 exemption on bonds; providing for limitations
12 on damages; providing for awarding contracts
13 for the construction of projects; providing for
14 dissolution of an authority; providing
15 severability; providing for liberal
16 construction; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Short title.--This act may be cited as the
21 "Community Improvement Authority Act."

22 Section 2. Legislative findings; intent.--
23 (1) The Legislature finds that certain counties in the
24 state have the need for enhancement of areas surrounding major
25 downtown areas through the improvement of existing facilities
26 and the development of facilities and other attractions,
27 including professional sports facilities, and other related
28 amenities and infrastructure. The Legislature also finds that
29 these projects serve a paramount public purpose and that there
30 is a need to provide a comprehensive method and funding
31 sources for providing for the development and operation of

1 facilities and other attractions, including professional
2 sports facilities, and other related amenities and
3 infrastructure.

4 (2) It is declared to be the intent of the Legislature
5 to prescribe a uniform procedure for establishing independent
6 authorities for the purpose of planning, financing,
7 constructing, renovating, developing, operating and
8 maintaining facilities and other attractions, including
9 professional sports facilities and other related amenities and
10 infrastructure within highly populated counties of the state
11 and within counties contiguous therewith.

12 (3) It is the intent of the Legislature that each
13 authority shall take all steps reasonable, necessary, or
14 advisable to generate local support for the development of
15 projects, including professional sports facilities and related
16 amenities and infrastructure, to serve as an intermediary and
17 facilitate negotiations with and among private interests,
18 community organizations, and governmental authorities in
19 connection with the construction or development of such
20 projects, to explore, research, and analyze financing and
21 related alternatives for the construction or development of
22 such projects, and to present findings and recommendations to
23 the appropriate governmental entities with respect to the
24 construction or development of such projects.

25 (4) Because the independent authorities so created
26 shall be empowered to exercise certain substantial powers and
27 authority in more than one county, it is declared to be the
28 intent of the Legislature that the Community Improvement
29 Authority Act be construed for all purposes as a general law
30 that relates to more than one county and that the independent
31 authorities so created not be deemed to have jurisdiction

1 lying wholly within any one county within the meaning of any
2 constitutional, statutory, or charter provision.

3 Section 3. Definitions.--As used in this act, the
4 term:

5 (1) "Authority" means an authority created under this
6 act.

7 (2) "Board" or "board of supervisors" means the
8 governing body of an authority.

9 (3) "Bond" means any general obligation bond, revenue
10 bond, refunding bond, note, or other debt obligation
11 authorized under this act.

12 (4) "Department" means the Department of Revenue.

13 (5) "Eligible county" means any county within the
14 state which simultaneously satisfies the following criteria:

15 (a) At least two professional sports facilities exist
16 in the county, and

17 (b) The county has a population of not less than 1.5
18 million according to the most recent annual publication of
19 County Population Estimates of the U.S. Bureau of the Census.
20 Once a governing body has been appointed for an authority in
21 an eligible county, that county is considered an eligible
22 county for all purposes of this act, notwithstanding
23 subsequent reductions in population.

24 (6) "Professional sports facility" means a ballpark,
25 stadium, arena, coliseum, or similar facility intended for use
26 by a professional sports franchise that exists within the
27 National League or the American League of Major League
28 Baseball, the National Basketball Association, the National
29 Football League, or the National Hockey League.

30 (7) "Project" means facilities, attractions, and other
31 improvements authorized by this act, including professional

1 sports facilities, related amenities and infrastructure, and
2 systems, facilities, and services determined by an authority
3 to be beneficial to the development, ownership, and operation
4 of any of the foregoing, including the acquisition of land and
5 any interest therein.

6 (8) "Refunding bonds" means bonds issued to retire or
7 refinance outstanding bonds of an authority and the interest
8 and redemption premium thereon.

9 (9) "Revenue bonds" means obligations of an authority
10 or other governmental body which are payable from revenues or
11 other funds derived from sources other than ad valorem taxes
12 on real or tangible personal property.

13 Section 4. Creation of a community improvement
14 authority; charter.--

15 (1) A community improvement authority is established
16 within each eligible county with all of the powers, authority,
17 duties, and limitations set forth in this act, including the
18 powers set forth in this act to undertake certain activities
19 in counties contiguous with such eligible county. This act
20 constitutes the charter of each such authority. Each authority
21 shall be designated "____ County Community Improvement Trust,"
22 with the blank space being completed by inserting the name of
23 the eligible county in which the authority is located.

24 Notwithstanding the foregoing, in any eligible county in which
25 an independent port district was abolished with support of the
26 majority of electors of that county voting in a referendum
27 held within 10 years immediately preceding the effective date
28 of this act, an authority shall not be established and no
29 authority shall have jurisdiction or exercise any powers
30 within such county without an approving ordinance adopted by
31 such county's governing body.

1 (2) Each authority is a body politic and corporate, a
2 public instrumentality, and an independent special district
3 within the meaning of chapter 189, Florida Statutes, the
4 jurisdiction of which encompasses the applicable eligible
5 county and each county contiguous therewith, except as
6 expressly provided herein.

7 Section 5. Board of supervisors.--

8 (1) A board of supervisors shall govern each
9 authority.

10 (2) The board shall be composed of nine members. Not
11 sooner than 60 days after the authority is established, the
12 Governor shall appoint two members to the board; the county
13 commission of the eligible county shall appoint three members
14 to the board; the mayor of the eligible county shall appoint
15 one member to the board; the city commission within which the
16 projects are proposed to be constructed shall appoint two
17 members to the board; and the mayor of such city shall appoint
18 one member to the board. Each appointing authority shall
19 appoint members of the board to succeed those whose terms are
20 expiring not less than 60 days before the expiration of such
21 term. All members of the board must have expertise in one or
22 more of the following areas: public finance, private finance,
23 public accounting, commercial law, commercial real estate,
24 real estate development, general contracting, architecture,
25 and administration of professional sports team operations. A
26 member of the board may not, at the time of appointment, hold
27 an elected public office in the state.

28 (3) The organizational meeting of the board shall be
29 held within 15 days after the appointment of the board.
30 Appointed members of the board shall hold office for a term of
31 4 years or until their successors take office, except that two

1 of the initial members appointed by the Governor and one of
2 the initial members appointed by the commission of the
3 eligible county shall be appointed to terms of 3 years. If
4 during a member's term of office a vacancy occurs, the
5 Governor shall fill the vacancy by appointment for the
6 remainder of the term.

7 (4) The members of the board must be residents of the
8 eligible county in which the authority is located.

9 (5) Five members of the board shall constitute a
10 quorum, and the affirmative vote of a majority of the members
11 present and voting is necessary to take any official action.

12 (6) The members of the board shall serve without
13 compensation but are entitled to reimbursement for travel and
14 per diem expenses in accordance with section 112.061, Florida
15 Statutes.

16 (7) The board shall at the time of organizing, and
17 annually thereafter, elect a chair for a term of 1 year or
18 until a successor is elected or the chair is removed, with or
19 without cause, by the board. The chair shall preside at all
20 meetings of the board. If the chair is absent or disqualified
21 at any meeting, any member of the board may be designated
22 chair pro-tempore for that meeting.

23 Section 6. Executive director.--The board may appoint
24 and fix the salary of an executive director to carry out the
25 day-to-day activities of the authority and to administer the
26 policies of the board.

27 Section 7. Chief financial officer and other officers;
28 financial records; fiscal year.--

29 (1) The board may appoint and fix the salary of a
30 chief financial officer of the authority, who is responsible
31 for the funds and finances of the authority. Funds may be

1 disbursed only at the direction of the board signed by the
2 persons designated by the board. The board may give the chief
3 financial officer additional powers and duties.

4 (2) The board or the executive director upon authority
5 delegated by the board may appoint or employ other officers or
6 employees of the authority and give them appropriate powers
7 and duties.

8 (3) The financial records of the authority shall be
9 audited by an independent certified public accountant at least
10 once each year.

11 (4) The fiscal year of the authority begins October 1
12 of each year and ends September 30 of the following year.

13 Section 8. Budgets.--On or before June 30 of each
14 year, the executive director of the authority shall prepare a
15 proposed budget, including an estimate of all revenues and
16 anticipated expenditures, for the following fiscal year to be
17 submitted to the board for approval or modification. The
18 budget must be adopted before October 1 of each year.

19 Section 9. Powers and duties.--

20 (1) Each authority has, and the board may exercise the
21 power to take all steps reasonable, necessary, or advisable to
22 generate local support for the development of projects,
23 including professional sports facilities and related amenities
24 and infrastructure, to serve as an intermediary and facilitate
25 negotiations with and among private interests, community
26 organizations, and governmental authorities in connection with
27 the construction or development of such projects, and to
28 explore, research, and analyze financing and related
29 alternatives for the construction or development of such
30 projects.

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1 (2) As appropriate, the authority shall present
2 findings and make recommendations to the applicable
3 governmental entity necessary to secure support or action with
4 respect to such recommendations and to secure sources of
5 financing and other funding alternatives for the construction
6 or development of such projects.

7 (3) In the event an appropriate governmental
8 authority, acting upon the recommendations of the authority,
9 has approved a source or sources of funding to finance the
10 construction or development of a project the board may
11 exercise the power to:

12 (a) Either alone or in cooperation with the eligible
13 county or other governmental body, finance, refinance,
14 acquire, plan, design, develop, construct, own, lease,
15 operate, maintain, manage, renovate, improve, and promote any
16 project located in the eligible county or any county
17 contiguous therewith consisting of one or more facilities and
18 other attractions and related amenities and infrastructure,
19 including: professional sports facilities and recreational,
20 commercial, cultural and educational facilities; civic,
21 multi-purpose meeting facilities; and all forms of media
22 communication, transmission, and production systems and
23 facilities.

24 1. During the 24-month period following establishment
25 of an authority, the only project an authority may initiate is
26 a professional sports facility and related amenities and
27 infrastructure, which initiation must be evidenced by adoption
28 of a resolution setting forth the authority's commitment to
29 initiate and promptly implement a professional sports facility
30 project;

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1 2. A professional sports facility may not be
2 constructed outside the eligible county that is intended to
3 accommodate regular season games of a professional sports
4 franchise that exists within the National League or the
5 American League of Major League Baseball, the National
6 Basketball Association, the National Football League, or the
7 National Hockey League; and

8 3. No other project may be constructed outside the
9 eligible county unless the authority and the county in which
10 such facility will be located have entered into an interlocal
11 agreement with respect to such project.

12 (b) Finance, refinance, acquire, plan, design,
13 develop, construct, own, lease, operate, maintain, manage,
14 renovate, improve, and promote any facilities and
15 infrastructure within the authority's jurisdictional
16 boundaries that are reasonably ancillary, incidental, or
17 supporting of projects, including, but not limited to, roads,
18 bridges, parking, and other transportation facilities.

19 (4) In addition, the board may exercise the power to:

20 (a) Provide for the protection of persons using the
21 facilities of the authority by contracting to provide police
22 protection, emergency medical services, and fire protection
23 related to the facilities only with the prior consent of the
24 county or municipality that provides these services at the
25 time of the establishment of the authority.

26 (b) Sue and be sued in the name of the authority.

27 (c) Adopt and use a seal and authorize the use of a
28 facsimile thereof.

29 (d) Make and execute contracts and other instruments
30 necessary or convenient to the exercise of its powers.

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1 (e) Employ staff and contract for the services of such
2 independent consultants, professionals, managers, and
3 operators as the board finds necessary and convenient.

4 (f) Maintain offices as the board finds necessary.

5 (g) Adopt procedures for the conduct of the
6 authority's affairs, the conduct of its business, and the
7 administration of this act.

8 (h) Accept gifts; apply for and use grants or loans of
9 money or other property from the United States or any
10 department, agency, or unit of local government thereof, the
11 state or any of its subdivisions or agencies, any other state
12 or any subdivision or agency thereof, or any person for
13 authority purposes and enter into any agreements required in
14 connection therewith; and hold, use, and dispose of money or
15 property for any authority purposes in accordance with the
16 terms of the gift, grant, loan, or agreement relating thereto.

17 (i) Hold, control, and acquire by donation or
18 purchase, and dispose of, any real or personal property, or
19 any estate therein, within or outside the authority's
20 boundaries, for any authority purpose.

21 (j) Lease as lessor or lessee to or from any person,
22 public or private, any projects of the type that the authority
23 is authorized to undertake and facilities or property of any
24 nature for the use of the authority to carry out any of the
25 purposes authorized by this act.

26 (k) Borrow money and issue bonds or other evidence of
27 indebtedness as otherwise provided in this act.

28 (l) Fix, collect, and enforce fees, rates, or other
29 user charges for any service, program, or facility provided by
30 the authority.

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1 (m) Cooperate and contract with other governmental
2 entities and, under an interlocal agreement with such an
3 entity, undertake any project authorized in this act or that
4 the contracting governmental entity is authorized to undertake
5 and that furthers an authority purpose.

6 (n) Invest moneys received by the authority as is
7 permitted by law or as provided in any resolution adopted by
8 the board.

9 (o) Procure necessary insurance or self-insure.

10 (p) Establish such independent entities or affiliated
11 entities, whether in the form of a not-for-profit corporation
12 or other legal entity, for such purposes as the board
13 considers necessary or appropriate to carry out its projects
14 or to administer projects or funds for the benefit of all or
15 any portion of the eligible county or any county contiguous
16 therewith.

17 (q) Make grants of authority funds to the eligible
18 county or any county contiguous therewith or to any
19 municipality, or any other governmental unit in any such
20 county if the grant furthers any purpose of the authority.

21 (r) Exercise all powers necessary, convenient,
22 incidental, or proper in connection with any of the powers,
23 duties, or purposes authorized by this act.

24 Section 10. Bonds.--

25 (1) AUTHORIZATION AND FORM OF BONDS.--

26 (a) The authority may issue and sell bonds for any
27 purpose for which the authority has the power to expend money,
28 including, without limitation, the power to obtain working
29 capital loans to finance the costs of any project and to
30 refund any bonds or other indebtedness at the time outstanding
31 at or before maturity. Bonds may be sold by public or

1 negotiated sale after advertisement, if any, as the board
2 considers advisable. Bonds may be authorized by resolution of
3 the board.

4 (b) Bonds of the authority may reflect and evidence
5 any form of financing structure that may become marketable
6 from time to time, including, but not limited to, taxable or
7 tax-exempt bonds; bonds that bear current interest, whether
8 fixed or variable; bonds issued at an original issue discount
9 or premium; capital appreciation bonds; bonds that are
10 convertible, whether or not at the option of the holder, into
11 a form of bonds differing from that in which they were
12 originally issued; bonds that allow the holder to tender the
13 bonds to the authority or its agent; bonds that are issued
14 with separate call-option rights that may be sold by the
15 authority at the time of issuance of the bonds or thereafter;
16 and bonds of any type issued in connection with interest-rate
17 swaps or other derivative products. Bonds may be sold in
18 blocks or installments at different times, or an entire issue
19 or series may be sold at the same time.

20 (c) The board may, by resolution, fix the aggregate
21 maximum amount of bonds to be issued; the purpose or purposes
22 for which the moneys derived therefrom may be expended,
23 including, but not limited to, payment of costs of one or more
24 projects; the rates of interest; the denominations of the
25 bonds; whether or not the bonds are to be issued in one or
26 more series; the dates of maturity, which may not exceed 40
27 years from the respective date of issuance; the medium of
28 payment; the places within or outside the state where payment
29 must be made; registration privileges; redemption terms and
30 privileges, whether with or without premium; the manner of
31 execution; the form of the bonds, including any interest

1 coupons to be attached thereto; the manner of execution of
2 bonds and coupons; and any other terms, covenants, and
3 conditions thereof and the establishment of revenue or other
4 funds. The authorizing resolution may further provide for the
5 contracts authorized by section 159.825(1)(f) and (g), Florida
6 Statutes, regardless of the tax treatment of the bonds being
7 authorized. The authorizing resolution may further provide for
8 an electronic-book-entry system of registration, or for
9 certificated bonds. The seal of the authority may be affixed,
10 lithographed, engraved, or otherwise reproduced in facsimile
11 on the bonds.

12 (d) Any issue of bonds may be secured by a trust
13 agreement by and between the authority and corporate trustees,
14 which may be any trust company or bank having the powers of a
15 trust company within or outside the state. Any provisions
16 regarding the details or terms of any bonds that are required
17 or permitted to be set forth in a resolution of the board may
18 be set forth in a trust agreement with the same effect as if
19 the provisions were set forth in a resolution of the board.
20 The resolution authorizing the issuance of the bonds or the
21 trust agreement may pledge any legally available revenues of
22 the authority, including, without limitation, the proceeds of
23 rental payments received by the authority, and may contain
24 such provisions for protecting and enforcing the rights and
25 remedies of the bondholders as the board approves, including,
26 without limitation, covenants authorized under subsection (4)
27 and covenants setting forth the duties of the authority in
28 relation to the acquisition, construction, reconstruction,
29 improvement, maintenance, repair, operation, and insurance of
30 any projects; the fixing and revising of the rates, fees, and
31 charges; and the custody, safeguarding, and application of all

1 moneys, and may contain provisions for the employment of
2 engineers, accountants and other consultants in connection
3 with such acquisition, construction, reconstruction,
4 improvement, maintenance, repair, or operation. It is lawful
5 for any bank or trust company within or outside the state to
6 act as a depository of the proceeds of bonds or of revenues
7 and to furnish such indemnifying bonds or to pledge such
8 securities as are required by the authority. The resolution
9 or trust agreement may set forth the rights and remedies of
10 the bondholders and of the trustee, if any, and may restrict
11 the individual rights of action by bondholders. The board may
12 provide for the payment of proceeds of the sale of the bonds
13 and the revenues of any project to any officer, board, or
14 depository that it designates for the custody thereof and may
15 provide for the method of disbursement thereof with such
16 safeguards and restrictions as it establishes. All expenses
17 incurred in carrying out the provisions of the resolution or
18 trust agreement may be treated as part of the cost of a
19 project to which the trust agreement pertains or as part of
20 the cost of the operation of the project.

21 (e) Bonds may be delivered by the authority as payment
22 of the purchase price of any project or part thereof, or a
23 combination of projects or parts thereof, or as the purchase
24 price or exchange for any property, real, personal, or mixed,
25 including franchises or services rendered by any contractor,
26 engineer, or other person, all at one time or in blocks from
27 time to time, in such manner and upon such terms as the board
28 determines.

29 (f) Pending the preparation of definitive bonds, the
30 board may issue interim certificates or receipts or temporary
31 notes or bonds, in a form and with such provisions as the

1 board establishes, exchangeable for definitive bonds when the
2 bonds have been executed and are available for delivery. The
3 board may also provide for the replacement of any bonds that
4 become mutilated, lost, or destroyed.

5 (g) All bonds issued on behalf of the authority must
6 state on the face thereof that they are payable, both as to
7 principal and interest, solely from assets of the authority
8 pledged therefor and do not constitute an obligation, either
9 general or special, of the state or of any local government.

10 (2) NEGOTIABILITY OF BONDS.--Any bond issued under
11 this act or any temporary bond, in the absence of an express
12 recital on the face thereof that it is nonnegotiable, is fully
13 negotiable and constitutes a negotiable instrument within the
14 meaning and for all purposes of the law merchant and the laws
15 of the state.

16 (3) BONDS AS LEGAL INVESTMENT OR SECURITY.--

17 (a) Notwithstanding any other law to the contrary, all
18 bonds issued under this act constitute legal investments for
19 savings banks, banks, trust companies, insurance companies,
20 executors, administrators, trustees, guardians, and other
21 fiduciaries and for any board, body, agency, instrumentality,
22 county, municipality, or other political subdivision of the
23 state.

24 (b) Any bonds issued by the authority are
25 incontestable in the hands of bona fide purchasers or holders
26 for value and are not invalid because of any irregularity or
27 defect in the proceedings for the issue and sale thereof or
28 because of any initiative or referendum taking place after the
29 bonds are issued.

30 (4) COVENANTS.--Any resolution authorizing the
31 issuance of bonds may contain any covenants the board finds

1 advisable. All the covenants constitute valid and legally
2 binding and enforceable contracts between the authority and
3 the bondholders, regardless of the time of issuance thereof.

4 (5) ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF
5 BONDS.--This act constitutes full authority for the issuance
6 of bonds and the exercise of the powers of the authority. No
7 procedures or proceedings, publications, notices, consents,
8 approvals, orders, acts, or things by the board, or any board,
9 officers, commission, department, agency, or instrumentality
10 of the authority, other than those required by this act, are
11 required to perform anything under this act, except that the
12 issuance or sale of bonds under this act must comply with the
13 general-law requirements applicable to the issuance or sale of
14 bonds by the authority, including, but not limited to, section
15 189.4085, Florida Statutes.

16 (6) PLEDGE BY THE STATE TO THE BONDHOLDERS OF THE
17 AUTHORITY.--The state pledges to the holders of any bonds
18 issued under this act that it will not limit or alter the
19 rights of the authority to own, acquire, construct, or
20 reconstruct, improve, maintain, operate, or furnish the
21 projects provided for in this act or hereafter and to fulfill
22 the terms of any agreement made with the holders of the bonds
23 or other obligations and that it will not in any way impair
24 the rights or remedies of the holders.

25 Section 11. Tax exemption.--The bonds and other
26 obligations issued under this act, their transfer, and the
27 income therefrom, including any profit made on the sale
28 thereof, and all notes, mortgages, security agreements,
29 letters of credit, or other instruments that arise from or are
30 given to secure the repayment of bonds or other obligations
31 issued under this act, are at all times free from taxation by

1 the state or any unit of local government, political
2 subdivision, or other instrumentality of the state. For
3 purposes of excise taxes on documents, the provisions of
4 section 201.24, Florida Statutes, apply. The exemption
5 granted by this section does not apply to any tax imposed by
6 chapter 220, Florida Statutes, on interest, income, or profits
7 on debt obligations owned by corporations.

8 Section 12. Contracts.--Contracts for the construction
9 of projects and for any other purpose of the authority may be
10 awarded by the authority in a manner that will best promote
11 free and open competition, including advertisement for
12 competitive bids; however, if the authority determines that
13 the purposes of this act will be more effectively served
14 thereby, the authority may award or cause to be awarded
15 contracts for the construction of any project, including
16 design-build contracts, or any part thereof, or for any other
17 purpose of the authority upon a negotiated basis as determined
18 by the authority. Each contractor doing business with the
19 authority and required to be licensed by the state or local
20 general-purpose governments must maintain the license during
21 the term of the contract with the authority. The authority
22 may prescribe bid security requirements and other procedures
23 in connection with the award of contracts which protect the
24 public interest. Section 287.055, Florida Statutes, does not
25 apply to the selection of professional architectural,
26 engineering, landscape architectural, or land surveying
27 services by the authority or to the procurement of
28 design-build contracts. The authority may, and in the case of
29 a new professional sports franchise must, by written contract
30 engage the services of the operator, lessee, sublessee, or
31 purchaser, or prospective operator, lessee, sublessee or

1 purchaser, of any project in the construction of the project
2 and may, and in the case of a new professional sports
3 franchise must, provide in the contract that the lessee,
4 sublessee, purchaser, or prospective lessee, sublessee or
5 purchaser, may act as an agent of, or an independent
6 contractor for, the authority for the performance of the
7 functions described therein, subject to the conditions and
8 requirements prescribed in the contract, including functions
9 such as the acquisition of the site and other real property
10 for the project; the preparation of plans, specifications,
11 financing and contract documents; the award of construction
12 and other contracts upon a competitive or negotiated basis;
13 the construction of the project, or any part thereof, directly
14 by the lessee, purchaser, or prospective lessee or purchaser;
15 the inspection and supervision of construction; the employment
16 of engineers, architects, builders, and other contractors; and
17 the provision of money to pay the cost thereof pending
18 reimbursement by the authority. Any such contract may, and in
19 the case of a new professional sports franchise must, allow
20 the authority to make advances to or reimburse the lessee,
21 sublessee, or purchaser, or prospective lessee, sublessee, or
22 purchaser for its costs incurred in the performance of those
23 functions, and must set forth the supporting documents
24 required to be submitted to the authority and the reviews,
25 examinations, and audits that are required in connection
26 therewith to assure compliance with the contract.

27 Section 13. Sale or lease of property.--The authority
28 may sell or lease property of the authority or grant operating
29 agreements for any project of the authority in a manner that
30 will best promote free and open competition, including
31 advertisement for competitive bids; however, if the authority

1 determines that the purposes of this act will be more
2 effectively served, the authority may sell or lease property
3 of the authority upon a negotiated basis or for no or nominal
4 consideration. Notwithstanding any other law, the authority
5 may sell or lease property of the authority in a transaction
6 in which the authority leases the property back from its
7 purchaser or lessee. To facilitate the development of a
8 project by an authority, any governmental entity or other unit
9 of local government may sell or lease its property to an
10 authority upon a negotiated basis, without competitive bid,
11 and for no or nominal consideration, and an authority may
12 resell or sublease or grant an operating agreement for the
13 property to a professional sports franchise in the same
14 manner.

15 Section 14. Damages arising out of tort.--Any suit or
16 action brought or maintained against the authority for damages
17 arising out of tort are subject to the limitations provided in
18 section 768.28, Florida Statutes, and any claim must be
19 presented in writing to the board.

20 Section 15. Dissolution.--

21 (1) Once an authority has been established its
22 existence is not affected by any subsequent reduction in
23 population in the eligible county. Subject to subsection (2),
24 an authority may be dissolved only by unanimous resolution of
25 the board and approval of the resolution by the Governor or in
26 the manner provided in chapter 189, Florida Statutes;
27 provided, however, that an authority shall be dissolved
28 automatically upon the fifth anniversary of the date it was
29 established in the event that construction has not commenced
30 on any project, including a professional sports facility or
31 other related amenities and infrastructure.

1 (2) A dissolution may not become effective unless
2 arrangements have been made for the full assumption of all
3 governmental services then being provided by the authority,
4 and for the transfer and allocation of revenue, property, and
5 indebtedness of the authority. If any bonds or other
6 obligations of the authority are outstanding, any act of the
7 Legislature dissolving the authority shall set forth the
8 proposed arrangements under which holders of the outstanding
9 obligations will be immediately paid or will continue to be
10 paid, which arrangements must be consistent with the terms of
11 the outstanding obligations. Any resolution of the board or
12 legislative act dissolving the authority must specify the
13 effective date of the dissolution. Neither the consent of the
14 eligible county nor the consent of any county contiguous
15 therewith is required to dissolve an authority.

16 Section 16. Severability.--If any provision of this
17 act or the application thereof to any person or circumstance
18 is held invalid, the invalidity does not affect other
19 provisions or applications of the act which can be given
20 effect without the invalid provision or application, and to
21 this end the provisions of this act are declared severable.

22 Section 17. Liberal construction.--This act shall be
23 liberally construed to effectively carry out its purposes.

24 Section 18. This act shall take effect upon becoming a
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2346

Establishes community improvement authorities in each eligible county. Provides for appointment of board members by Governor, county commission, mayor of county, city commission and mayor of city.

Defines "eligible county" to mean a county that simultaneously has at least two professional sports facilities in the county and has a population of not less than 1.5 million.

Eliminates cruise passenger surcharge of up to \$4 per day.

Permits authority to issue bonds.